

## **ARGUMENTS**

Applicants raise the following arguments as evidence of clear error in the outstanding final rejection of independent claims 1, 17, 22, and 23.

### Claim Rejections

Claims 1, 2, 4 – 18, and 20 – 23 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Publication No. 2003/0158900 (“Santos”) in view of U.S. Patent Publication No. 2004/0250201 (“Caspi”). Reconsideration and withdrawal of the rejections are respectfully requested.

Claims 1, 17, 22, and 23

Independent claim 1 relates to a method for indicating a speaker during a conference. The method comprises determining a list of participants in a conference, determining a sample from the conference, determining a first participant from the list that is speaking during the sample, determining a second participant from the list that is speaking during the sample, providing data indicative of the sample, providing data indicative of the first participant and the second participant, displaying a first graphic indication that the first participant is speaking, and displaying a second graphic indication that the second participant is speaking. The first graphic indication further indicates a first level of activity. The second graphic indication further indicates a second level of activity. The first level of activity is different than the second level of activity, and the second graphic indication is displayed at a same time as the first graphic indication. Moreover, the first graphic indication comprises an icon having a first size based on the first level of activity, and the second graphic indication comprises an icon having a second size based on the second level of activity.

The art of record cannot be seen to disclose or to suggest the above-mentioned features of amended independent claim 1. In particular, the art of record cannot be seen to disclose or to suggest displaying a first graphic indication that a first participant is speaking, and displaying a second graphic indication that a second participant is speaking where the first graphic indication comprises an icon having a first size based on a first level of activity of the first participant, and

the second graphic indication comprises an icon having a second size based on a second level of activity of the second participant.

The Office Action states that Santos discloses graphical indication of a first level of activity and a second level of activity. Specifically, the Office Action, on page 3, alleges that FIG. 3 discloses a first level of activity (speaking) which is different than a second level of activity (active). However, “speaking” and “active” are merely different types of statuses and do not reflect different levels of activity. For example, at FIG. 3, Santos discloses a plurality of status indicators associated with different participants. The plurality of status indicators indicate statuses such as speaking, active, listen only, hold, dialing, and absent.

As stated in MPEP 2111.01, the words of a claim must be given their “plain meaning” unless such meaning is inconsistent with the specification. In its current context, the term “level” is a noun and according to Webster's Dictionary, (*Webster's Ninth New Collegiate Dictionary*, 1983), the plain meaning of the term level as it is being used in claim 1 is “a position in a scale or rank (as of value, significance, importance, or achievement)”.

Clearly, Santos discloses many different types of statuses but, in view of the plain meaning of the word level, nowhere does Santos disclose or suggest graphic indications of different levels of such statuses.

Furthermore, the Office Action, on page 3, concedes that Santos does not teach an icon having a first size based on a first level of activity, and a second graphic indication that comprises an icon having a second size based on a second level of activity.

Caspi discloses a document 381 that comprises icons to indicate annotations made by providers (i.e., users) within the document, such as icons 382 and 384. The icons may exhibit different shapes or sizes, and each icon is associated with a provider to indicate a specific provider of the annotation. Caspi simply discloses icons that distinguish between different providers but does not disclose that different icon sizes are used to distinguish between different providers. Therefore, nowhere does Caspi disclose or suggest different levels of providers.

Since neither Caspi nor Santos disclose or suggest a “level of activity” consistent with the plain meaning of the term level, nor basing a size of an icon on a level of activity, the art of record cannot be seen to disclose or to suggest displaying a first graphic indication that a first participant is speaking, and displaying a second graphic indication that a second participant is speaking, where the first graphic indication comprises an icon having a first size based on a first level of activity of the first participant, and the second graphic indication comprises an icon having a second size based on the second level of activity of the second participant.

Therefore, independent claim 1 and its related dependent claims are believed to be in condition for allowance.

In view of the aforementioned deficiencies in both Santos and Caspi, independent claims 17, 22, and 23 and their related dependent claims are also believed to be in condition for allowance.

## CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned.

Respectfully submitted,

July 23, 2009  
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